

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO.: 3:17-cv-159

GARY SURGEON,

Plaintiff,

v.

CHARTER COMMUNICATIONS, INC.,

Defendant.

**Stipulation of Dismissal Without Prejudice**

[F.R.C.P. 41(a)(1)(A)(ii)]

IT IS HEREBY STIPULATED AND AGREED by and between the parties and/or their respective counsel that all claims in the above-captioned action are voluntarily dismissed *without prejudice* pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure.

Respectfully submitted, this the 13<sup>th</sup> day of December, 2017.

/s/ Karl S. Gwaltney  
EDWARD H. MAGINNIS  
N.C. State Bar No. 39317  
KARL S. GWALTNEY  
N.C. State Bar No. 45118  
MAGINNIS LAW, PLLC  
4801 Glenwood Ave. Suite 310  
Raleigh, NC 27612  
Tel: (919) 526-0450  
Fax: (919) 882-8763  
[emaginnis@maginnislaw.com](mailto:emaginnis@maginnislaw.com)  
[kgwaltney@maginnislaw.com](mailto:kgwaltney@maginnislaw.com)  
*Counsel for Plaintiff*

/s/ Elizabeth C. King  
ELIZABETH C. KING  
N.C. State Bar No. 30376  
CRANFILL SUMNER & HARTZOG, LLP  
P.O. Box 27808  
Raleigh, NC 27611  
Tel: (919) 828-5100  
Fax: (919) 828-2277  
[eking@cshlwa.com](mailto:eking@cshlwa.com)  
  
Nathan D. Chapman  
Daniel H. Gaynor  
KABIT CHAPMAN & OZMER LLP  
171 17th St. NW, Suite 1550  
Atlanta, Georgia 30318  
Tel: (404) 400-7300  
Fax: (404) 400-7333  
[nchapman@kcozlaw.com](mailto:nchapman@kcozlaw.com)  
[dgaynor@kcozlaw.com](mailto:dgaynor@kcozlaw.com)  
*Counsel for Defendant*

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO.: 3:17-cv-159

GARY SURGEON,

Plaintiff,

v.

CHARTER COMMUNICATIONS, INC.

Defendant.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this day, a true and accurate copy of the foregoing *Stipulation of Dismissal Without Prejudice* was filed electronically via the Court's CM/ECF case management system, and served via the Court's CM/ECF case management system upon the following counsel who are ECF participants who have appeared in this matter:

Elizabeth C. King <a href="mailto:eking@cshlaw.com">eking@cshlaw.com</a>	Daniel H. Gaynor <a href="mailto:dgaynor@kcozlaw.com">dgaynor@kcozlaw.com</a>	Nathan D. Chapman <a href="mailto:nchapman@kcozlaw.com">nchapman@kcozlaw.com</a>
---	--	---

This the 13<sup>th</sup> day of December, 2017.

**MAGINNIS LAW, PLLC**  
*Counsel for Plaintiff*

BY: /s/ Karl S. Gwaltney